

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA

WEIRTON HEALTH
PARTNERS, LLC,

Plaintiff,

vs.

GABRIELLE YATES,

Defendant.

CONDENSED TRANSCRIPT

Civil Action
No. 5:09-CV-40

Deposition of GABRIELLE J. YATES

Tuesday, December 8, 2009

The deposition of GABRIELLE J. YATES, Defendant herein, called for examination by the Plaintiff, taken pursuant to Notice and the Federal Rules of Civil Procedure pertaining to the taking of depositions, taken before me, the undersigned, Jamie J. Belfiore, Certified Court Reporter-Notary Public in and for the State of West Virginia, held in the law offices of Frankovitch, Anetakis, Colantonio & Simon, 337 Penco Road, Weirton, West Virginia 26062, commencing at 9:15 o'clock a.m., on the day and date above set forth.

JAMIE J. BELFIORE
CERTIFIED COURT REPORTER
PA 724.746.9844
800.914.DEPO (3376)

EXHIBIT

tabbles

A

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<p style="text-align: right;">17</p> <p>1 A. It had to have been at least, I think, about 2 four or five months, because I started in Wyngate in 3 July. I left there, I know it was after the new year. 4 Q. Did you leave Ashland to find different 5 employment? 6 A. Yes. 7 Q. Okay. 8 Now, just to confirm, before you came to 9 Weirton Health Partners, you didn't have any prior 10 experience in an assisted care facility -- 11 A. No. 12 Q. -- or a nursing home? 13 A. No. 14 Q. No experience working with the elderly or 15 patients with Alzheimer's or dementia, anything like 16 that? 17 A. No. 18 Q. You said you started working at Wyngate in July 19 of 2005? 20 A. Yes. 21 Q. I have July 20th as your start date. 22 Is that correct? 23 A. Yes. 24 Q. Does that sound right to you? <p style="text-align: right;">JAMIE J. BELFIORE, C.C.R.</p> <p>PA - 724.746.9844 800.914.DEPO (3376)</p> </p>	<p style="text-align: right;">19</p> <p>1 A. Whenever they needed it. 2 Q. What would you estimate that to be? Every 3 week? 4 A. No. 5 At least once a month I worked overtime. 6 Q. How many hours during that week would you say 7 you worked overtime? 8 A. At least, maybe, six hours, eight hours 9 sometimes. If they needed me to come in, I would come 10 in. 11 Q. Did you request overtime or did they ask you to 12 come in? 13 A. No. 14 They called me. If someone reported off, they 15 would call me and I would come in. 16 Q. Now, we're going to talk about after you left, 17 we're going to look at your work history here after 18 you left Weirton Health Partners. 19 Did you apply for unemployment compensation 20 benefits? 21 A. Yes. 22 Q. Were those benefits approved or denied? 23 A. Denied. 24 Q. Did they tell you why your benefits were <p style="text-align: right;">JAMIE J. BELFIORE, C.C.R.</p> <p>PA - 724.746.9844 800.914.DEPO (3376)</p> </p>
<p style="text-align: right;">18</p> <p>1 A. Yes. 2 Q. What was your position at that time? 3 A. An aide. 4 Q. A resident aide? 5 A. Yes. 6 Q. Do you know what kind of background 7 educationally was necessary to have the resident aide 8 position? 9 A. No. 10 Q. You worked there through November of 2008; is 11 that correct? 12 A. Yes. 13 Q. In 2008 what was your schedule? 14 A. It was daylight. 15 Q. What does that mean? 16 A. 5:00 a.m. to 1:30 p.m. 17 Q. How many days a week did you work? 18 A. I worked five days a week, full time. 19 Q. How many hours would that be? 20 A. 40 hours. 21 Q. 40 hours, okay. 22 Did you work any overtime? 23 A. Yes. 24 Q. How often did you work overtime? <p style="text-align: right;">JAMIE J. BELFIORE, C.C.R.</p> <p>PA - 724.746.9844 800.914.DEPO (3376)</p> </p>	<p style="text-align: right;">20</p> <p>1 denied? 2 A. No. 3 Q. You said that you are currently employed? 4 A. Yes. 5 Q. Can you tell me about who you are working for 6 right now? 7 A. Cambridge Home Health. 8 Q. Okay. 9 What do you for Cambridge Home Health? 10 A. I'm an aide, home health aide. I go to the 11 client's home and help them with their needs. 12 Q. How many hours a week do you work for them? 13 A. 25. 14 Q. You travel, you said? 15 A. Yes. 16 Q. From resident's home to resident's home? 17 A. Well, I have one home right now that I'm doing. 18 Q. You take care of one person? 19 A. Yes. 20 Q. What is your hourly rate of pay there? 21 A. \$8.00. 22 Q. You said -- I'm sorry. 23 You work about 25 hours a week? 24 A. Yes. <p style="text-align: right;">JAMIE J. BELFIORE, C.C.R.</p> <p>PA - 724.746.9844 800.914.DEPO (3376)</p> </p>

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<p style="text-align: right;">21</p> <p>1 Q. Tell me about the person that you care for.</p> <p>2 What are their limitations, why do they need your services?</p> <p>3 A. She just needs me to come and help take care of</p> <p>4 her house and take care of her.</p> <p>5 Q. Okay.</p> <p>6 Does she have physical restrictions?</p> <p>7 A. I don't think I can speak with that because I</p> <p>8 am her aide and my bosses say I can't talk to other</p> <p>9 people about her restrictions.</p> <p>10 Q. Okay. Okay.</p> <p>11 You are providing home health services for her?</p> <p>12 A. Yes.</p> <p>13 Q. Now, following your separation from Weirton</p> <p>14 Health Partners, were you unemployed for any period of</p> <p>15 time?</p> <p>16 A. I started working for Domino's, then I --</p> <p>17 Q. Was that immediately after?</p> <p>18 A. I started working for Domino's right before --</p> <p>19 It was very part time, maybe one day a week, one or</p> <p>20 two days a week, with my husband, trying to get a few</p> <p>21 extra dollars for Christmas, then he put me up to at</p> <p>22 least 30 hours a week after leaving Wyngate.</p> <p>23 Q. You started to work for Domino's before you</p> <p>24 JAMIE J. BELFIORE, C.C.R.</p> <p>PA - 724.746.9844 800.914.DEPO (3376)</p>	<p style="text-align: right;">23</p> <p>1 find employment.</p> <p>2 Q. Okay.</p> <p>3 You identified some places to which you applied</p> <p>4 for jobs in your Interrogatories, so I am going to get</p> <p>5 a copy of those for your review and we'll go over</p> <p>6 those.</p> <p>7 MS. ABBOTT: Mark that, please.</p> <p>8 (Whereupon, Deposition Exhibit No. 1 was</p> <p>9 marked for identification.)</p> <p>10 BY MS. ABBOTT:</p> <p>11 Q. Do you recognize the document that I have put</p> <p>12 in front of you?</p> <p>13 A. Yes.</p> <p>14 Q. Are these the responses that you provided to</p> <p>15 the Interrogatories that were served to you in this</p> <p>16 matter?</p> <p>17 A. Yes.</p> <p>18 Q. Okay.</p> <p>19 If you turn to the back here, there is a</p> <p>20 verification page at the very back.</p> <p>21 Is that your signature on the verification</p> <p>22 page?</p> <p>23 A. Yes.</p> <p>24 Q. Okay.</p> <p>JAMIE J. BELFIORE, C.C.R.</p> <p>PA - 724.746.9844 800.914.DEPO (3376)</p>
<p style="text-align: right;">22</p> <p>1 left Wyngate?</p> <p>2 A. Yes.</p> <p>3 Q. When you left, then you increased your hours?</p> <p>4 A. Yes.</p> <p>5 Q. Which Domino's was this?</p> <p>6 A. Weirton, West Virginia.</p> <p>7 Q. You said that you worked with your husband</p> <p>8 there?</p> <p>9 A. Yes.</p> <p>10 Q. What did he do there?</p> <p>11 A. He's the general manager.</p> <p>12 Q. What did you do at Domino's?</p> <p>13 A. Cook.</p> <p>14 Q. How much were you paid hourly?</p> <p>15 A. It was \$8.00.</p> <p>16 Q. Okay.</p> <p>17 When did you leave that position?</p> <p>18 A. I'm trying to think.</p> <p>19 April of '09.</p> <p>20 Q. Why did you leave?</p> <p>21 A. Because they did not have enough hours to let</p> <p>22 me work there no longer.</p> <p>23 Q. What did you do after you left there?</p> <p>24 A. I tried to find employment, but I could not</p> <p>JAMIE J. BELFIORE, C.C.R.</p> <p>PA - 724.746.9844 800.914.DEPO (3376)</p>	<p style="text-align: right;">24</p> <p>1 Now, if you take a look at No. 8, the response</p> <p>2 to Interrogatory No. 8, I would like to go through</p> <p>3 each of these that you identified and you can tell me</p> <p>4 a little about when you applied for this job and what</p> <p>5 happened once you applied.</p> <p>6 Let's start with Convenient Mart. When did you</p> <p>7 apply for a job at Convenient Mart?</p> <p>8 A. Maybe in June.</p> <p>9 Q. June of 2009?</p> <p>10 A. Yes.</p> <p>11 Q. What position did you apply for?</p> <p>12 A. Cashier.</p> <p>13 Q. What happened when you applied for a job?</p> <p>14 A. I turned in the application and I called back</p> <p>15 at least two or three times. They said that they were</p> <p>16 no longer hiring.</p> <p>17 Q. How about Dollar General?</p> <p>18 A. Dollar General, I went and got an application</p> <p>19 and filled it out, came the next day, they did a</p> <p>20 little interview, I filled out some papers and they</p> <p>21 told me that right now they hired two people, that</p> <p>22 they will keep me on file if they need me, which they</p> <p>23 never called me back.</p> <p>24 Q. Where is that Dollar General located?</p> <p>JAMIE J. BELFIORE, C.C.R.</p> <p>PA - 724.746.9844 800.914.DEPO (3376)</p>

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<p style="text-align: right;">41</p> <p>1 the middle of the page?</p> <p>2 A. Yes.</p> <p>3 Q. 7/20/05, would that have been the date that you</p> <p>4 started working at Weirton Health Partners?</p> <p>5 A. Yes.</p> <p>6 Q. Do you understand this document to say that you</p> <p>7 have read and understand the responsibilities of your</p> <p>8 position?</p> <p>9 A. Yes.</p> <p>10 Q. Is the next page an accurate description of</p> <p>11 what your job duties were?</p> <p>12 MR. RECHT: Why don't you read through the</p> <p>13 whole thing, then she will ask you some questions?</p> <p>14 (Brief pause.)</p> <p>15 A. Yes.</p> <p>16 Q. I am going to ask you about a couple of</p> <p>17 specifics on this "POSITION DESCRIPTION."</p> <p>18 Do you agree that it was part of your job duty</p> <p>19 to "Report concerns about residents to supervisor and</p> <p>20 coworkers"?</p> <p>21 A. Yes.</p> <p>22 Q. Was it also in your job description to</p> <p>23 "Maintain confidentiality of verbal and written</p> <p>24 information pertaining to residents, facility</p> <p style="text-align: right;">JAMIE J. BELFIORE, C.C.R.</p> <p>PA - 724.746.9844 800.914.DEPO (3376)</p>	<p style="text-align: right;">43</p> <p>1 issues?</p> <p>2 A. No.</p> <p>3 Q. Do you have any expertise in the care of</p> <p>4 Alzheimer's patients?</p> <p>5 A. No.</p> <p>6 Q. Do you have any special experience or training</p> <p>7 in the relationships between Alzheimer's patients?</p> <p>8 A. No.</p> <p>9 Q. Do you have any special qualifications for</p> <p>10 observing behaviors of Alzheimer's patients and then</p> <p>11 interpreting what their best care situation might be?</p> <p>12 A. No.</p> <p>13 Q. Are you able to make any medical evaluations of</p> <p>14 Alzheimer's patients?</p> <p>15 A. No.</p> <p>16 Q. What training do you have that enables you to</p> <p>17 determine whether a resident is capable of making his,</p> <p>18 or her, own decisions?</p> <p>19 A. With working with them every day, I can see</p> <p>20 what help they do need and what help they don't need.</p> <p>21 Q. No training, but your personal experience?</p> <p>22 A. Yes.</p> <p>23 Q. Do you have any particular knowledge or</p> <p>24 training in how to interface with families outside the</p> <p style="text-align: right;">JAMIE J. BELFIORE, C.C.R.</p> <p>PA - 724.746.9844 800.914.DEPO (3376)</p>
<p style="text-align: right;">42</p> <p>1 operations and personnel?"</p> <p>2 A. Yes.</p> <p>3 Q. Tell me about what you believe your role to be</p> <p>4 in evaluating interactions between the residents at</p> <p>5 Wyngate?</p> <p>6 A. Can you repeat the question?</p> <p>7 Q. Sure.</p> <p>8 Can you tell me what you think your role was in</p> <p>9 evaluating interactions between residents? How was</p> <p>10 that part of your job?</p> <p>11 A. How was that part of my job?</p> <p>12 Q. Yes.</p> <p>13 A. Evaluating how they respond to each other?</p> <p>14 Q. Yes.</p> <p>15 A. Like if two residents were arguing with each</p> <p>16 other, that I would try to calm them down and get the</p> <p>17 nurse to come over and help so no one would get hurt</p> <p>18 in that situation. That would be my situation if</p> <p>19 something was going on between two residents.</p> <p>20 Q. So it would be part of your job to report that</p> <p>21 type of situation to your supervisor?</p> <p>22 A. Yes.</p> <p>23 Q. Do you have any special training or expertise</p> <p>24 with the elderly that might have dementia or emotional</p> <p style="text-align: right;">JAMIE J. BELFIORE, C.C.R.</p> <p>PA - 724.746.9844 800.914.DEPO (3376)</p>	<p style="text-align: right;">44</p> <p>1 facility?</p> <p>2 A. No.</p> <p>3 Q. Does any of your training or knowledge include</p> <p>4 reporting concerns directly to members of the family?</p> <p>5 A. No.</p> <p>6 Q. Is there anything in this "POSITION</p> <p>7 DESCRIPTION," in the "ESSENTIAL JOB RESPONSIBILITIES"</p> <p>8 category that requires you to report concerns directly</p> <p>9 to family members?</p> <p>10 A. No.</p> <p>11 Q. In the three years and three months that you</p> <p>12 worked as a resident aide at Wyngate, what experiences</p> <p>13 did you have discussing appropriate care with families</p> <p>14 of Alzheimer's patients?</p> <p>15 A. Me personally, I had no -- I did not speak to</p> <p>16 the family members about what the personal care was.</p> <p>17 The family talked to me of their family</p> <p>18 member's personal care.</p> <p>19 Q. You didn't provide any instruction or advice to</p> <p>20 them about what their care should be?</p> <p>21 A. No.</p> <p>22 Q. On how many occasions were you asked or did you</p> <p>23 offer your opinion to family members about</p> <p>24 relationships between residents?</p> <p style="text-align: right;">JAMIE J. BELFIORE, C.C.R.</p> <p>PA - 724.746.9844 800.914.DEPO (3376)</p>

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1 In this interrogatory we asked you to "Please
2 identify all instances where Defendant" -- and in this
3 case that would be you -- "reported alleged
4 Plaintiff's alleged failure to conduct itself in a
5 fiduciary capacity. For each instance, please
6 identify the alleged fiduciary duty was owed" -- I'm
7 sorry, "duty was owed by Plaintiff to any individual."
8 We asked you to talk about the date and more details.

9 In response to that you state that, "I reported
10 Plaintiff's failure to the female resident's daughter
11 in October of 2008 via telephone."

12 Now, do you know what "fiduciary capacity" is?

13 **A. No.**

14 **Q. Okay.**

15 Do you know why, when you were discussing here
16 about reports that you made, you identified the report
17 that you made about the female resident's daughter in
18 October of 2008 but you didn't identify this report to
19 Tammy Provenzano that you made with respect to the
20 hands-down-the-pants incident?

21 **A. I thought it was talking about if there was any
22 reports that I made to her daughter.**

23 **Q. You thought that that question just asked for
24 reports to her daughter?**

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1 **A. To the family, yes.**

2 **Q. Okay.**

3 Back to your counterclaim, that is document --
4 I apologize.

5 In Paragraph 6, you state that, "Upon learning
6 of the sexual relationship" -- that starts on Page 11.

7 **A. Okay.**

8 **Q. "Upon learning of the sexual relationship,
9 Ms. Yates notified her supervisors at Wyngate of the
10 relationship and of her concerns that the female
11 resident was incapable of consenting to a sexual
12 relationship due to her condition."**

13 You allege in that paragraph that you notified
14 supervisors, in the plural, of the relationship
15 between Eula Stoll and Robert Degenkolb after the June
16 incident; is that correct?

17 **A. Yes.**

18 **Q. Okay.**

19 Who are the other supervisors that you
20 notified?

21 **A. Tammy was one of them, and then I spoke with
22 Jody when she was hired about the situation.**

23 **Q. "Jody when she was hired."**

24 Do you know when that was?

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1 **A. No.**

2 **Q. You spoke to Jody about this specific incident
3 with the hands down the pants?**

4 **A. No.**

5 **Of the situation that was going on.**

6 **Q. Under Paragraph 6 in your counterclaim, it
7 says, "Upon learning of the sexual relationship."**

8 But you didn't notify Jody upon learning of the
9 sexual relationship; is that correct?

10 **A. Yes.**

11 **Q. What did you notify Jody of?**

12 **A. We spoke to her about the situation that's on
13 hand, if her daughter actually knew of the situation,
14 how it was going.**

15 **Q. You say "we."**

16 Who is "we"?

17 **A. Me and another nurse that was there.**

18 **Q. Which nurse was that?**

19 **A. Candace Smith.**

20 **Q. You and Candace Smith discussed the Eula Stoll
21 and Robert Degenkolb situation with Jody when she
22 first came to work at Wyngate?**

23 **A. It was after. I don't know if it was exactly
24 when she was hired, but it was after she was hired.**

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1 **Q. Do you know how long it was after she was
2 hired?**

3 **A. No. I don't recall.**

4 **Q. Was it within a week?**

5 **A. I am not sure.**

6 **Q. Do you know where you discussed this with her,
7 do you recall?**

8 **A. In her office.**

9 **Q. In Jody's office?**

10 **A. Yes.**

11 **Q. Was anyone else witness to this conversation
12 besides Candace Smith?**

13 **A. No.**

14 **Q. What exactly did you say to Jody?**

15 **A. We were speaking with her about the situation,
16 about how we don't want them in each other's rooms,
17 how her daughter didn't want it, and that we don't
18 think her daughter knows the truth of the situation,
19 because if she did, she wouldn't let it go on.**

20 **Q. Why didn't you want Eula in Mr. Degenkolb's
21 room?**

22 MR. RECHT: I'm sorry? I didn't hear what
23 you said.

24 MS. ABBOTT: I'm sorry.

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1 I am not sure if she called the hotline or not.
 2 Q. Did she tell you what she reported?
 3 A. I can't remember exactly what she said.
 4 Q. Do you remember when she told you about making
 5 these calls?
 6 A. I'm trying to remember.
 7 I don't know if it was Thursday or Friday, I
 8 can't recall.
 9 Q. Thursday or Friday of --
 10 A. October.
 11 Q. "October"?
 12 A. Yes.
 13 Q. That would be the 31st or the 30th, I guess,
 14 Thursday, the 30th, Friday, the 31st?
 15 A. I think so.
 16 Q. Okay.
 17 On Page 11 of your testimony, you state that --
 18 "The nurses told the resident aides that under no
 19 circumstances are they to be in the same room
 20 together?"
 21 I think that we have discussed this before.
 22 Are there any particular nurses that you were
 23 referring to when you gave this statement to
 24 Mr. Wallace?

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1 A. No.
 2 Q. You don't know who these nurses are?
 3 A. No.
 4 Q. Do you know who the aides were that heard these
 5 nurses?
 6 A. All of us.
 7 Q. Were you told this personally?
 8 A. No.
 9 Q. In your statement you testified that you heard
 10 about an incident that occurred on October 29th, 2008.
 11 Is that correct?
 12 A. Yes.
 13 Q. Were you working on that day?
 14 A. When the situation happened, no.
 15 Q. "The situation" meaning October 29th, 2008.
 16 Is that the date that you believe the situation
 17 took place?
 18 A. I believe, yes.
 19 Q. Did you work on the 30th, the next day?
 20 A. Yes.
 21 Q. Did you work on Friday, the 31st?
 22 A. Yes.
 23 Q. Because you weren't working on the 29th, you
 24 didn't personally witness the incident that allegedly

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1 occurred between Eula and Robert on the 29th; correct?
 2 A. Correct.
 3 Q. In your statement you were, simply, telling
 4 Mr. Wallace about what you heard secondhand?
 5 A. Yes.
 6 Q. What did you hear about the incident on
 7 October 29th, 2008?
 8 A. That exactly what happened was one of the aides
 9 saw Eula giving oral sex on him. Michelle Shonkweiler
 10 saw it and reported it to CiCi, the nurse on hand, and
 11 that they went and reported it to Debbie, and they
 12 told me that Debbie said, "The next time you see this
 13 to shut the door, come back later, see if they're done
 14 and take them to their separate rooms."
 15 Q. Who told you about this incident?
 16 A. Michelle told me about it and a few other aides
 17 told me about it.
 18 Q. Michelle Shonkweiler told you directly about
 19 this incident?
 20 A. Yes.
 21 Q. When did she tell you about it?
 22 A. I don't recall.
 23 Q. Was it when you came to work on the 30th?
 24 A. I don't recall which day, because I don't know

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1 if she was working the 30th or not. But I spoke to
 2 her about it.
 3 Q. Now, I want to turn your attention to Page 13
 4 of your statement to Mr. Wallace.
 5 A. Okay.
 6 Q. On Line 16 of Page 13, Mr. Wallace asked you,
 7 after you describe the incident you just described to
 8 us, "Now, what you've just described for me is stuff
 9 that you've heard?"
 10 You answered: "Yes."
 11 Mr. Wallace, question: "Okay. Did you hear
 12 any of that from Michelle or CeCe?"
 13 Your answer: "No."
 14 "Who did you hear this from?"
 15 Answer: "I heard it from the aides that was on
 16 the shift. I heard it from Latoya and Heather," and
 17 then that phrase goes on.
 18 Now, just a moment ago you testified that you
 19 heard this from Michelle directly, but you told
 20 Mr. Wallace, on November 14th of 2008, that you did
 21 not hear this from Michelle.
 22 MR. RECHT: Objection.
 23 I think that misstates what she said.
 24 You can go ahead and answer.

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- 1 A. At that time I don't recall why I said no, but
 2 I do recall speaking to Michelle about the situation.
 3 Q. You recall that now but you did not recall that
 4 on November 14th of 2008?
 5 A. Yes.
 6 Q. When did you recall that you talked to
 7 Michelle Shonkweller about this incident?
 8 A. Shortly after -- it was right after the
 9 situation that I spoke to a lot of people from Wyngate
 10 about everything, so it was from the time at work I
 11 was speaking to everybody at Wyngate and after
 12 Wyngate.
 13 Q. Would it have been after November 14th, 2008,
 14 when you gave the statement to Mr. Wallace, that you
 15 spoke to Michelle Shonkweller?
 16 A. No.
 17 Q. You don't recall when it was that you spoke to
 18 her?
 19 A. No.
 20 Q. What did Michelle tell you exactly that she
 21 saw?
 22 A. Well, we didn't really go into what she saw.
 23 We were mostly talking about what Debbie said.
 24 Q. She did not tell you what she saw?

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- 1 A. We didn't completely talk about it, no.
 2 Q. What did she tell you that she saw?
 3 A. That she went down there and the situation that
 4 we were speaking about was going on -- I'm sorry.
 5 I'm trying to remember everything.
 6 Q. That's okay.
 7 A. When I was speaking with Michelle we were
 8 talking about pretty much all of the situations and
 9 what came to that one point of her and Cece seeing
 10 that down there. But what she was mostly speaking
 11 about is how Debbie mentioned to shut the door and
 12 walk away. That was mostly the thing we were talking
 13 about, me and Michelle.
 14 Q. Did Michelle tell you that she saw
 15 Robert Degenkolb receiving oral sex from Eula Stoll?
 16 A. I can't recall the whole conversation from word
 17 to word.
 18 Q. Do you recall that portion of it?
 19 A. No.
 20 Q. Do you recall her mentioning any kind of oral
 21 sex?
 22 A. Yes. She mentioned that she saw oral sex, but
 23 then we started talking about Debbie.
 24 Q. Do you remember when she told you that she saw

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- 1 oral sex?
 2 A. No, I can't recall which day it was.
 3 Q. Did you speak to Cece McClory about the
 4 incident?
 5 A. No.
 6 Q. What did Michelle Shonkweller tell you about
 7 what she heard from -- I'm sorry. Was it Jody or
 8 Debbie?
 9 A. Debbie.
 10 Q. What did she tell you exactly, to the best of
 11 your recollection, that Debbie told her?
 12 A. Debbie told Cece that the next time you see
 13 this, to shut the door and to come back later, see if
 14 they're done, then take them to their room.
 15 Q. She told you that Debbie told Cece?
 16 A. Uh-huh.
 17 Q. Was Michelle a witness to what Debbie told
 18 Cece?
 19 A. That, I don't know. I was not there.
 20 Q. You don't know if Debbie told Cece this in the
 21 presence of Michelle?
 22 A. No.
 23 Q. You don't know if Debbie told this to Michelle
 24 directly?

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- 1 A. No.
 2 Q. You weren't present when Debbie made this
 3 alleged statement to Cece; correct?
 4 A. Correct.
 5 Q. But at some point Michelle told you that Debbie
 6 told Cece that they were to shut the door and walk
 7 away, essentially?
 8 A. Yes.
 9 Q. You didn't recall any of this when you gave
 10 your statement to Mr. Wallace on November 14th of
 11 2008?
 12 A. Yes.
 13 Q. Were you aware that -- first off, have you seen
 14 the statement that Ms. McClory provided to Wyngate
 15 with respect to October 29th, 2008?
 16 A. No.
 17 Q. You are aware that Ms. McClory notified the
 18 Director of Nursing in her chain of command; correct?
 19 That would be Deb.
 20 A. About when she went to the office and told her
 21 about it, yes.
 22 Q. You were aware of that prior to your call to
 23 Ellen Hughes on November 28 -- or, November 1st, 2008;
 24 correct? I'm sorry.

JAMIE J. BELFIORE, C.C.R.

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<p style="text-align: right;">105</p> <p>1 administrator tell anyone else that they should close</p> <p>2 the door and walk away?</p> <p>3 A. No.</p> <p>4 Q. Did any nurses or administrators tell you that</p> <p>5 Eula and Robert were not to be in each other's rooms?</p> <p>6 A. Personally?</p> <p>7 Q. Yes.</p> <p>8 A. No.</p> <p>9 Q. On Page 16 of your statement, you say that</p> <p>10 you've heard sexual contact has happened a few times.</p> <p>11 I just want to be sure that we have reviewed all of</p> <p>12 the times that you were referring to here.</p> <p>13 Are there any other incidents that you have</p> <p>14 heard about?</p> <p>15 A. Besides the ones that we spoke about?</p> <p>16 Q. Yes.</p> <p>17 A. No.</p> <p>18 Q. I want to talk to you a little bit about the</p> <p>19 policies for reporting patient care concerns.</p> <p>20 Before we get into specifics, why don't you</p> <p>21 tell me, generally, about how you were trained to</p> <p>22 report abuse and neglect?</p> <p>23 A. Abuse and neglect?</p> <p>24 Q. Yes.</p> <p style="text-align: right;">JAMIE J. BELFIORE, C.C.R.</p> <p>PA - 724.746.9844 800.914.DEPO (3376)</p>	<p style="text-align: right;">107</p> <p>1 THE REPORTER: That's No. 12.</p> <p>2 BY MS. ABBOTT:</p> <p>3 Q. Let me ask you this: Do you recognize the</p> <p>4 document that is in front of you?</p> <p>5 A. Yes.</p> <p>6 Q. Is that your signature at the bottom?</p> <p>7 A. Yes.</p> <p>8 Q. That's dated 8/17/06?</p> <p>9 A. Yes.</p> <p>10 Q. Okay.</p> <p>11 The last paragraph on the bottom says, "I have</p> <p>12 been informed about Wyngate's complaint procedure,</p> <p>13 abuse prevention and reporting and the role of the</p> <p>14 ombudsman."</p> <p>15 Is that your initials to the left of that?</p> <p>16 A. Yes.</p> <p>17 Q. What were you informed about Wyngate's</p> <p>18 complaint procedure, abuse prevention and reporting</p> <p>19 and the role of the ombudsman?</p> <p>20 A. I don't recall what it was.</p> <p>21 Q. Okay.</p> <p>22 Are you familiar with the Community Guidebook</p> <p>23 that we looked at earlier during the deposition?</p> <p>24 A. Yes.</p> <p style="text-align: right;">JAMIE J. BELFIORE, C.C.R.</p> <p>PA - 724.746.9844 800.914.DEPO (3376)</p>
<p style="text-align: right;">106</p> <p>1 A. I don't recall exactly learning how to report</p> <p>2 it.</p> <p>3 I just know if something happened, you are</p> <p>4 supposed to report it to the nurse that is on shift.</p> <p>5 Q. Did you receive any training when you first</p> <p>6 began working at Wyngate?</p> <p>7 A. For?</p> <p>8 Q. On how to report patient concerns.</p> <p>9 A. No.</p> <p>10 Q. You didn't receive any training?</p> <p>11 A. No, not as far as I can recall.</p> <p>12 Q. Did you receive any training during the course</p> <p>13 of your employment on how to report patient concerns?</p> <p>14 A. We had classes on -- we had all different types</p> <p>15 of classes. We had classes on how to wear gloves</p> <p>16 right, how to lift them and --</p> <p>17 Q. Were you ever trained about abuse prevention</p> <p>18 and reporting and the role of the ombudsman (handing)?</p> <p>19 THE REPORTER: Did you want me to mark</p> <p>20 that?</p> <p>21 MS. ABBOTT: I'm sorry.</p> <p>22 Yes.</p> <p>23 (Whereupon, Deposition Exhibit No. 12 was</p> <p>24 marked for identification.)</p> <p style="text-align: right;">JAMIE J. BELFIORE, C.C.R.</p> <p>PA - 724.746.9844 800.914.DEPO (3376)</p>	<p style="text-align: right;">108</p> <p>1 Q. Can you turn to Pages 17 and 18 in this</p> <p>2 guidebook?</p> <p>3 A. Okay.</p> <p>4 Q. Okay.</p> <p>5 At the bottom of Page 17 in this guidebook, it</p> <p>6 states that, "Employees are required by law to</p> <p>7 immediately report to management any form of abuse</p> <p>8 that is observed, giving the name of the resident, the</p> <p>9 employee involved, the time, date, place and a</p> <p>10 description of what occurred."</p> <p>11 Did you understand that to be the policy at</p> <p>12 Wyngate?</p> <p>13 A. Yes.</p> <p>14 Q. Now, on Page 17 of your statement, you</p> <p>15 reference the policy guidebook on Line Nos. 6 and 7 --</p> <p>16 I'm sorry.</p> <p>17 On line No. 2 Mr. Wallace is referring to a</p> <p>18 "close the door and walk away policy." He asked you</p> <p>19 if that is something you are trained to do and you say</p> <p>20 "No" on Page 17.</p> <p>21 A. Yes.</p> <p>22 Q. Then he asked you if that's something in the</p> <p>23 policy guidebook.</p> <p>24 Is the policy guidebook the same as the policy</p> <p style="text-align: right;">JAMIE J. BELFIORE, C.C.R.</p> <p>PA - 724.746.9844 800.914.DEPO (3376)</p>

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<p>109</p> <p>1 and procedures binder?</p> <p>2 A. I'm not sure.</p> <p>3 Q. What is the policy guidebook that you're</p> <p>4 referring to?</p> <p>5 A. I'm not sure.</p> <p>6 The only guidebook that I brought to him was to</p> <p>7 show the grounds for me to call the family members.</p> <p>8 Q. What was that that you brought to show the</p> <p>9 grounds to call the family members?</p> <p>10 A. The employee handbook.</p> <p>11 Q. Can you recall where in that employee handbook</p> <p>12 it tells you to call family members?</p> <p>13 A. No, I can't recall.</p> <p>14 Q. Do you want to take a look through that?</p> <p>15 Take your time.</p> <p>16 (Brief pause.)</p> <p>17 A. Page 17.</p> <p>18 Q. Uh-huh.</p> <p>19 A. This, "Current employees may not contact</p> <p>20 residents or resident family members unless on duty or</p> <p>21 as part of their individual job duties. Any other</p> <p>22 circumstances require permission from the Resident</p> <p>23 Manager."</p> <p>24 Q. Okay.</p> <p>JAMIE J. BELFIORE, C.C.R.</p> <p>PA - 724.746.9844 800.914.DEPO (3376)</p>	<p>111</p> <p>1 that this policy guidebook "says in there if there's</p> <p>2 any, like, sexual abuse or anything like that, to go</p> <p>3 to the head manager and report it to her, report it to</p> <p>4 the nurse, like I said, to follow the chain of</p> <p>5 command, to let everybody know what happened, which it</p> <p>6 was."</p> <p>7 Is there any part of this guidebook that tells</p> <p>8 you to follow the chain of command?</p> <p>9 A. Not as far as I recall, but my position as an</p> <p>10 aide was to report to a nurse and the position of the</p> <p>11 nurse had to report to the head nurse and the head</p> <p>12 nurse would report to Debbie, the boss position.</p> <p>13 That's how I saw following the chain of the</p> <p>14 command.</p> <p>15 Q. Okay.</p> <p>16 That was your understanding about what you were</p> <p>17 to do when you had concerns about patients?</p> <p>18 A. Yes.</p> <p>19 Q. Is there anything in the policy that says that</p> <p>20 you are to let everybody know what happened?</p> <p>21 A. Not as far as I know.</p> <p>22 Q. Okay.</p> <p>23 Are you familiar with the policy and procedures</p> <p>24 binder that is available for the review of the aides?</p> <p>JAMIE J. BELFIORE, C.C.R.</p> <p>PA - 724.746.9844 800.914.DEPO (3376)</p>
<p>110</p> <p>1 Now, let's go back to your job description that</p> <p>2 we referenced earlier.</p> <p>3 Is there anything -- that should be one of the</p> <p>4 documents that you have, your "POSITION DESCRIPTION."</p> <p>5 A. Which one am I looking for again?</p> <p>6 Q. It should say "POSITION DESCRIPTION" on it.</p> <p>7 MS. WELCH: That one (indicating).</p> <p>8 A. Okay.</p> <p>9 Q. Okay.</p> <p>10 Did you contact the family of Eula Stoll while</p> <p>11 you were on duty?</p> <p>12 A. Yes.</p> <p>13 Q. What about your individual job duties do you</p> <p>14 believe required or permitted you to contact</p> <p>15 Ms. Hughes?</p> <p>16 A. None of my job duties required me to call her.</p> <p>17 Q. Was it part of your job duties to contact</p> <p>18 residents' families directly about patient concerns?</p> <p>19 A. No.</p> <p>20 Q. Did you receive permission from the Resident</p> <p>21 Manager to contact Eula Stoll's family?</p> <p>22 A. No.</p> <p>23 Q. Okay.</p> <p>24 On Page 17 of your statement, you testified</p> <p>JAMIE J. BELFIORE, C.C.R.</p> <p>PA - 724.746.9844 800.914.DEPO (3376)</p>	<p>112</p> <p>1 A. Yes.</p> <p>2 MR. RECHT: I wasn't nodding at you.</p> <p>3 I was nodding at her.</p> <p>4 MS. ABBOTT: Oh. Okay.</p> <p>5 MR. RECHT: I'm sorry.</p> <p>6 MS. ABBOTT: No problem.</p> <p>7 (Whereupon, Deposition Exhibit No. 13 was</p> <p>8 marked for Identification.)</p> <p>9 BY MS. ABBOTT:</p> <p>10 Q. There you go (handing).</p> <p>11 Do you recognize the document that I've put in</p> <p>12 front of you?</p> <p>13 (Brief pause.)</p> <p>14 BY MS. ABBOTT:</p> <p>15 Q. Does that document look familiar to you?</p> <p>16 A. I don't recall this document, reading this, but</p> <p>17 I may have.</p> <p>18 Q. Does this look like the kind of document that</p> <p>19 was kept in the policies and procedures binder?</p> <p>20 A. I don't recall.</p> <p>21 Q. Okay.</p> <p>22 As far as the policy itself goes, is this the</p> <p>23 policy that was reviewed with you during your annual</p> <p>24 review of policies and procedures?</p> <p>JAMIE J. BELFIORE, C.C.R.</p> <p>PA - 724.746.9844 800.914.DEPO (3376)</p>

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<p style="text-align: right;">117</p> <p>1 Licensure and Certification?</p> <p>2 A. No.</p> <p>3 Q. Are you familiar with OHFLAC?</p> <p>4 A. No.</p> <p>5 Q. Are you familiar with the individuals that come</p> <p>6 into the facility on a regular basis to do inspections</p> <p>7 to make sure that Wyngate is compliant with the laws</p> <p>8 in West Virginia with respect to --</p> <p>9 A. The State inspection, yes.</p> <p>10 Q. Okay.</p> <p>11 Are you familiar with the fact that there are</p> <p>12 laws about reporting situations involving abuse and</p> <p>13 neglect of patients in assisted living facilities?</p> <p>14 A. I do not -- can you repeat that question again?</p> <p>15 Q. Sure.</p> <p>16 Are you familiar with the fact that there are</p> <p>17 laws with respect to the reporting of abuse and</p> <p>18 neglect of residents in assisted living facilities?</p> <p>19 A. Yes.</p> <p>20 Q. If you could, turn one more page on that,</p> <p>21 please, to the page that says, "REPORTING OF ADULT</p> <p>22 ABUSE, NEGLECT OR EMERGENCY SITUATIONS."</p> <p>23 A. Okay.</p> <p>24 Q. Are you familiar with the "REPORTING</p> <p style="text-align: center;">JAMIE J. BELFIORE, C.C.R.</p> <p>PA - 724.746.9844 800.914.DEPO (3376)</p>	<p style="text-align: right;">119</p> <p>1 neglect?</p> <p>2 A. I know there was questions that need to be</p> <p>3 answered to read some of the stuff in the break room</p> <p>4 but I never really read anything.</p> <p>5 Q. You knew that you were supposed to read the</p> <p>6 things in the break room but you never really did?</p> <p>7 A. At first I did, then after a year I just didn't</p> <p>8 read no more unless I had to.</p> <p>9 Q. At first you knew that there were numbers</p> <p>10 posted in the break room for you to call to report</p> <p>11 abuse and neglect of a resident?</p> <p>12 A. Not as far as I can recall, because I don't</p> <p>13 remember.</p> <p>14 Q. Okay.</p> <p>15 Are you aware of any reporting policy that</p> <p>16 permits or requires you to call the families of</p> <p>17 residents directly about patient care concerns?</p> <p>18 A. No.</p> <p>19 Q. Are you familiar with a Resident Bill of</p> <p>20 Rights?</p> <p>21 A. Yes.</p> <p>22 Q. "Yes"?</p> <p>23 A. Yes.</p> <p>24 Q. Is the Resident Bill of Rights posted in the</p> <p style="text-align: center;">JAMIE J. BELFIORE, C.C.R.</p> <p>PA - 724.746.9844 800.914.DEPO (3376)</p>
<p style="text-align: right;">118</p> <p>1 PROCEDURES" at the bottom of this page?</p> <p>2 MR. RECHT: Which page?</p> <p>3 MS. ABBOTT: Page 1. I'm sorry. It's not</p> <p>4 the first page, but it's Page 1.</p> <p>5 MR. RECHT: The next page.</p> <p>6 The highlighted portion?</p> <p>7 MS. ABBOTT: I'm sorry. She has got my</p> <p>8 copy.</p> <p>9 Yes, the highlighted portion is fine.</p> <p>10 A. No, I don't recall this.</p> <p>11 Q. Okay.</p> <p>12 You were not aware that there was a statewide</p> <p>13 hotline number to call to report abuse or neglect?</p> <p>14 A. No.</p> <p>15 Q. None of that information was posted in the</p> <p>16 break room at Wyngate?</p> <p>17 A. There might have been, but I don't recall.</p> <p>18 Q. You don't recall if there were any telephone</p> <p>19 numbers posted in the break room at Wyngate for</p> <p>20 calling to report abuse or neglect of a patient?</p> <p>21 A. There was things hanging in the break room but</p> <p>22 I don't recall what they said.</p> <p>23 Q. Were you ever given training that there were</p> <p>24 telephone numbers you could call to report abuse and</p> <p style="text-align: center;">JAMIE J. BELFIORE, C.C.R.</p> <p>PA - 724.746.9844 800.914.DEPO (3376)</p>	<p style="text-align: right;">120</p> <p>1 break room?</p> <p>2 (Whereupon, Deposition Exhibit No. 16 was</p> <p>3 marked for identification.)</p> <p>4 THE REPORTER: That is 16.</p> <p>5 BY MS. ABBOTT:</p> <p>6 Q. I'm sorry. I didn't hear your answer.</p> <p>7 Did you say "yes" or "no" to that?</p> <p>8 A. I didn't recall.</p> <p>9 I was looking at it first.</p> <p>10 Q. Oh. Okay.</p> <p>11 A. I don't recall if this was in the break room or</p> <p>12 not.</p> <p>13 Q. Okay.</p> <p>14 Can you turn to the third to the last page of</p> <p>15 this document -- okay, that's wrong.</p> <p>16 The fourth to the last page of this document.</p> <p>17 A. Yes.</p> <p>18 Q. Is the "Posting of Information & General</p> <p>19 Information for Residents" contained on this page</p> <p>20 posted in the break room at Wyngate?</p> <p>21 A. I don't recall.</p> <p>22 Q. Are you familiar with the ombudsman's office?</p> <p>23 A. No.</p> <p>24 Q. Have you ever heard the term "ombudsman's</p> <p style="text-align: center;">JAMIE J. BELFIORE, C.C.R.</p> <p>PA - 724.746.9844 800.914.DEPO (3376)</p>

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<p>125</p> <p>1 with Ellen that she didn't know before you asked her?</p> <p>2 A. Because I asked her. Before I told her</p> <p>3 anything, I asked her what does she know of the</p> <p>4 relationship and she explained to me of what her</p> <p>5 extent of knowledge meant, the relationship was,</p> <p>6 before I told her anything that was going on.</p> <p>7 Q. Prior to making the telephone call to</p> <p>8 Ellen Hughes, you did not know whether she knew or</p> <p>9 not; is that correct?</p> <p>10 A. Correct.</p> <p>11 Q. Did you ask anyone what action Wyngate was</p> <p>12 taking with respect to the report of Michelle to Cece</p> <p>13 to Deb Petras?</p> <p>14 A. No.</p> <p>15 Q. Yet instead of reporting yourself up the chain</p> <p>16 of command your concerns, you went directly to Ellen</p> <p>17 Hughes with your phone call on November 1st, 2008; is</p> <p>18 that correct?</p> <p>19 A. I'm trying to answer this the right way.</p> <p>20 It was followed, the chain of command was</p> <p>21 followed, by numerous people and nothing was done,</p> <p>22 that's why I called the daughter.</p> <p>23 Q. Was the chain of command followed by you?</p> <p>24 A. No.</p> <p style="text-align: right;">JAMIE J. BELFIORE, C.C.R.</p> <p>PA - 724.746.9844 800.914.DEPO (3376)</p>	<p>127</p> <p>1 kept getting talked about. And Erin Murphy was like,</p> <p>2 'If I seen it, I would call, call her daughter, and</p> <p>3 tell her daughter.' And I was like, 'I've seen one.'</p> <p>4 What is the "one" you're referring to?</p> <p>5 A. Where her hands was down his pants.</p> <p>6 Q. Okay.</p> <p>7 Did you ever discuss any of these incidents</p> <p>8 that you and I have talked about with Robert Degenkolb</p> <p>9 directly?</p> <p>10 A. No.</p> <p>11 Q. Why not?</p> <p>12 A. Because I didn't think it was my position to</p> <p>13 say anything.</p> <p>14 Q. It wasn't your position to talk to Robert, who</p> <p>15 you provide care for; correct?</p> <p>16 A. Correct.</p> <p>17 Q. But you did feel it was your position to</p> <p>18 contact Eula Stoll's family directly?</p> <p>19 A. Yes.</p> <p>20 Q. You mention in that same section that</p> <p>21 Tammy Young is another one that saw it with her own</p> <p>22 eyes. That's actually on Page 24.</p> <p>23 Who are the other ones that you are referring</p> <p>24 to here?</p> <p style="text-align: right;">JAMIE J. BELFIORE, C.C.R.</p> <p>PA - 724.746.9844 800.914.DEPO (3376)</p>
<p>128</p> <p>1 Q. Who were the numerous people that followed the</p> <p>2 chain of command?</p> <p>3 A. Quite a few aides.</p> <p>4 Q. Who were the aides?</p> <p>5 A. I told you earlier that the aides had spoken to</p> <p>6 the nurses.</p> <p>7 If the chain of command was not followed, then</p> <p>8 how did everybody in the office know about it?</p> <p>9 Q. Did you witness anyone speak to either</p> <p>10 Deb Petras or Jody Bowden, a wellness manager or a</p> <p>11 director -- I'm sorry, an administrative employee</p> <p>12 about complaints about Robert Degenkolb and</p> <p>13 Eula Stoll?</p> <p>14 A. Just when me and Candace was speaking to Deb --</p> <p>15 not Deb. Excuse me. Jody.</p> <p>16 Q. "Jody"?</p> <p>17 A. Uh-huh.</p> <p>18 Q. You never made any mention of that to</p> <p>19 Mr. Wallace in November of 2008; correct?</p> <p>20 A. No.</p> <p>21 Q. Okay.</p> <p>22 On Page 23 of your statement you -- this is</p> <p>23 Friday, the 31st, you are discussing the situation --</p> <p>24 I'm sorry. On Line 16 you say, "And then Saturday it</p> <p style="text-align: right;">JAMIE J. BELFIORE, C.C.R.</p> <p>PA - 724.746.9844 800.914.DEPO (3376)</p>	<p>128</p> <p>1 A. Well, the other one that saw the hands down the</p> <p>2 pants and then the ones that saw the situation, the</p> <p>3 very last situation, where she was giving oral sex.</p> <p>4 Q. Just to be clear, the only people who have</p> <p>5 witnessed incidents between Eula and Robert that you</p> <p>6 are aware of, that have witnessed it firsthand, are</p> <p>7 you, Michelle and Cece?</p> <p>8 A. Yes.</p> <p>9 Q. That's correct?</p> <p>10 A. Yes.</p> <p>11 Q. Okay.</p> <p>12 Did Michelle tell you that she witnessed oral</p> <p>13 sex?</p> <p>14 A. Yes.</p> <p>15 Q. There are no other ones, other than --</p> <p>16 A. Well, there is.</p> <p>17 Tammy Young, and then there is the one that saw</p> <p>18 the other incident like me, but I can't remember who</p> <p>19 it was.</p> <p>20 Q. Right.</p> <p>21 We don't know the name of that person?</p> <p>22 A. Yes.</p> <p>23 Q. During the conversation on Saturday that you</p> <p>24 are referencing on Page 23, you said, "I've seen</p> <p style="text-align: right;">JAMIE J. BELFIORE, C.C.R.</p> <p>PA - 724.746.9844 800.914.DEPO (3376)</p>

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1 one" -- excuse me. "I've seen one. But I'll call
 2 her, I don't care. And they were like, Well, you
 3 might get in trouble."
 4 You understood at that point in time that you
 5 might get in trouble for calling Ellen Hughes?
 6 **A. Yes.**
 7 **Q.** That's because it was not part of the proper
 8 reporting policy; correct?
 9 **A. All I know is I looked into the handbook and it**
 10 **said that if I was on duty and I can use the employee**
 11 **phone, that I can call a resident's family member.**
 12 **That's why I did.**
 13 **Q.** Is this the same section we were referring to
 14 earlier in the employee handbook?
 15 **A. I'm pretty positive, yes.**
 16 **Q.** On Page 17?
 17 **A. Yes.**
 18 **Q.** Doesn't that section also say if it's part of
 19 your job duty?
 20 **A. Yes.**
 21 **Q.** You testified earlier that it was not part of
 22 your job duty; correct?
 23 **A. Yes.**
 24 **Q.** Then it would not be the proper reporting
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1 procedure; correct?
 2 **MR. RECHT:** What portion are you referring
 3 to?
 4 **MS. ABBOTT:** I think it was Page 17, the
 5 highlighted section.
 6 **A. This says, "resident family members unless on**
 7 **duty or as part of their individual job duties."**
 8 **It says "or".**
 9 **Q.** This is the section of the policy that you're
 10 referring to?
 11 **A. Yes.**
 12 **Q.** Now, let's talk about your actual call to Ellen
 13 Hughes.
 14 When did you call her?
 15 **A. I called her on Saturday.**
 16 **Q.** Who did you tell that you were going to call
 17 her?
 18 **A. Everybody knew. Kathy knew, Latoya knew,**
 19 **Heather knew.**
 20 **Q.** Kathy Estep?
 21 **A. Yes.**
 22 **Q.** Latoya --
 23 **A. Johnson.**
 24 **Q.** "Johnson"?

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1 **A. I think her last name is Johnson, yes.**
 2 **Q.** Okay.
 3 You were only able to leave a message for her;
 4 correct?
 5 **A. Yes.**
 6 **Q.** What was the message that you left?
 7 **A. "This is Gabby, a resident aide at Wyngate, and**
 8 **I am calling. Would you please call me back at**
 9 **Wyngate as soon as you can?"**
 10 **Q.** Did she call you back?
 11 **A. Yes.**
 12 **Q.** That was the extent of the message you left?
 13 **A. As far as I recall, yes.**
 14 **Q.** Did she call you back?
 15 **A. Yes.**
 16 **Q.** Now, what, to the best of your recollection,
 17 exactly did you tell Ellen Hughes?
 18 **A. Well, she got on the phone and I told her I'm**
 19 **sorry for calling her, but I just wanted to ask her a**
 20 **question on how far and the extent of the relationship**
 21 **did she know of her mother and Robert.**
 22 **She started going into explanations of where**
 23 **they hold hands and they go to exercise together, he**
 24 **helps her at meals and they hold hands, he reads to**
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1 her and, as far as she knows, that they're not
 2 supposed to be in each other's rooms.
 3 **Q.** What else did you tell her?
 4 **A. Well, I was like, "That's as far as you know?"**
 5 **She said, "Yes."**
 6 **I said, "Well, here's some incidents I wanted**
 7 **you to know."**
 8 **I started with the incident that I saw. She**
 9 **started to get upset. I said, "Ellen, I'm not done**
 10 **yet." I went to even tell her about the most recent**
 11 **incident that happened, that they walked in and saw**
 12 **Ellen giving oral sex on Robert, and she started**
 13 **getting very, very upset.**
 14 **I told her, "It's not over yet because when**
 15 **they went and reported it to Debbie, Debbie told them**
 16 **to shut the door and walk away and come back later and**
 17 **see if she was okay" -- "see if they were done and**
 18 **then take them to separate rooms."**
 19 **She was very, extremely upset with the**
 20 **situation.**
 21 **Q.** Did you tell her that you didn't personally
 22 witness --
 23 **A. Yes.**
 24 **Q.** You told her that you personally witnessed the

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<p style="text-align: right;">133</p> <p>1 incident on October 29th?</p> <p>2 A. Yes.</p> <p>3 Q. You told her that her mother was performing</p> <p>4 oral sex on this gentleman, but you did tell her that</p> <p>5 you did not witness that?</p> <p>6 A. Yes.</p> <p>7 Q. You told her that you did not witness the</p> <p>8 report made by either of the people who witnessed it;</p> <p>9 is that correct?</p> <p>10 A. Yes.</p> <p>11 Q. You told her that you did not actually witness</p> <p>12 the fact that Deb Petras told them to close the door</p> <p>13 and walk away?</p> <p>14 A. Yes.</p> <p>15 Q. Okay.</p> <p>16 Have you ever made any other type of phone</p> <p>17 calls like this to any other residents?</p> <p>18 A. No.</p> <p>19 Q. Have you ever called any residents' families at</p> <p>20 home?</p> <p>21 A. No.</p> <p>22 Q. Are you aware of other employees that call</p> <p>23 families of residents at home?</p> <p>24 A. No.</p> <p style="text-align: center;">JAMIE J. BELFIORE, C.C.R.</p> <p>PA - 724.746.9844 800.914.DEPO (3376)</p>	<p style="text-align: right;">135</p> <p>1 October 29th?</p> <p>2 A. Yes.</p> <p>3 Q. Other than the hands-down-the-pants incident,</p> <p>4 you didn't have firsthand knowledge of anything that</p> <p>5 you told Ellen Hughes; is that correct?</p> <p>6 A. Correct.</p> <p>7 Q. The one thing you did have firsthand knowledge</p> <p>8 of, you waited four-and-a-half months to report to</p> <p>9 her?</p> <p>10 A. Yes.</p> <p>11 Q. Did you tell her why you waited to report it to</p> <p>12 her?</p> <p>13 A. I told her that under what we understood, that</p> <p>14 she knew what was going on. And she was very upset</p> <p>15 that we would even consider that she knew what was</p> <p>16 going on.</p> <p>17 Q. In your counterclaim, in Paragraph 8 -- let me</p> <p>18 find that.</p> <p>19 You claim you made the call -- that's on</p> <p>20 Page 11.</p> <p>21 THE DEPONENT: This (indicating)?</p> <p>22 MR. RECHT: No.</p> <p>23 I have got it (handing).</p> <p>24 ---</p> <p style="text-align: center;">JAMIE J. BELFIORE, C.C.R.</p> <p>PA - 724.746.9844 800.914.DEPO (3376)</p>
<p style="text-align: right;">134</p> <p>1 Q. Okay.</p> <p>2 It's your understanding that the policy is you</p> <p>3 are permitted to call family residents at home for any</p> <p>4 reason?</p> <p>5 A. Not for any reason, no.</p> <p>6 Q. For what reason are you permitted to call</p> <p>7 residents at home?</p> <p>8 A. I don't know what would give us permission to</p> <p>9 call the family members at home.</p> <p>10 I just felt like that I needed to.</p> <p>11 Q. This policy that we have been talking about,</p> <p>12 this doesn't tell you that you are permitted to call</p> <p>13 family residents at home to report abuse; correct?</p> <p>14 A. It does not say that in there.</p> <p>15 Q. Okay.</p> <p>16 Did you tell Ellen Hughes that everyone was</p> <p>17 discussing the incident between her mother and</p> <p>18 Robert Degenkolb?</p> <p>19 A. I don't recall.</p> <p>20 Q. Did you tell her that there were only three</p> <p>21 people who had actually witnessed contact of a sexual</p> <p>22 nature between her mother and Robert Degenkolb?</p> <p>23 A. I told her that Michelle and Cece knew.</p> <p>24 Q. You identified who saw the incident on</p> <p style="text-align: center;">JAMIE J. BELFIORE, C.C.R.</p> <p>PA - 724.746.9844 800.914.DEPO (3376)</p>	<p style="text-align: right;">136</p> <p>1 BY MS. ABBOTT:</p> <p>2 Q. You claim you made the call to Ellen Hughes</p> <p>3 because you were concerned about Eula Stoll's health</p> <p>4 and safety.</p> <p>5 Can you describe for me how you were concerned</p> <p>6 about her health?</p> <p>7 A. Her health and safety, that if it kept on</p> <p>8 going, how far he would go with her.</p> <p>9 Q. What does that mean?</p> <p>10 A. That her health would be -- I don't know even</p> <p>11 if it would mess with her health, I'm not sure,</p> <p>12 because I'm not a doctor, but if it wasn't taken care</p> <p>13 of now, how far he would have gone, done something to</p> <p>14 her.</p> <p>15 It started with the hands down the pants to</p> <p>16 oral sex. What would happen when no one saw anything.</p> <p>17 Q. How about her safety, how were you concerned</p> <p>18 about her safety?</p> <p>19 A. I don't know.</p> <p>20 Q. Did you think that she was in danger of injury?</p> <p>21 A. Physical injury, no.</p> <p>22 Q. Did you think she was in danger of mental</p> <p>23 injury?</p> <p>24 A. I'm not sure if that would cause some medical</p> <p style="text-align: center;">JAMIE J. BELFIORE, C.C.R.</p> <p>PA - 724.746.9844 800.914.DEPO (3376)</p>

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1 Injury or not.

2 Q. I actually said "mental injury."

3 A. Oh.

I'm sorry.

5 Q. That's okay.

6 Did you think that she was in danger of any

7 mental injury?

8 A. I'm not sure.

9 Q. Do you have any qualifications to determine
10 whether or not she would be at risk of mental injury?

11 A. No.

12 Q. Let me confirm that.

13 In your mind, you felt this was wrong; is that
14 correct?

15 A. Yes.

16 Q. It was wrong for them to have sexual contact?

17 A. Yes.

18 Q. But this is just your opinion and you don't
19 have any training with respect to sexual contact
20 between Alzheimer's patients or dementia patients?

21 A. Yes.

22 Q. Before you made the call to Ellen, did you
23 consider what effect a phone call with second or
24 thirdhand information about her mother giving oral sex

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1 to other residents might have when you never actually
2 saw this occurring yourself?

3 A. Yes.

4 Q. What did you think about?

5 A. That I'm going to lose my job.

6 Q. I'm sorry?

7 A. That I'm going to lose my job.

8 I'm sorry.

9 Q. Did you think about the effect it might have on
10 Ellen?

11 A. Effect on Ellen?

12 Q. Yes.

13 A. In the long run it would be positive.

14 Q. Since you didn't witness it yourself, did you
15 consider what the impact would be if it turned out
16 that her mother didn't, in fact, perform oral sex on
17 Robert Degenkolb?18 A. It wasn't the first time I heard of any kind of
19 situation. It's not like I went down to the phone and
20 picked up the phone the first thing I heard --

THE REPORTER: I'm sorry?

THE DEPONENT: I'm sorry.

23 THE REPORTER: I couldn't understand.

24 MS. ABBOTT: Do you need a minute?

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1 MR. RECHT: Just give her a minute.

2 (Brief pause.)

3 MR. RECHT: Okay?

4 THE DEPONENT: Yes.

5 A. I said it's not like it was the first thing I

6 heard and I went straight down and called her

7 daughter.

8 It has been a conversation that has been going

9 on for months and even if it may be heard down the

10 line that something happened, I saw one incident. It

11 kept on repeating. I couldn't even stand to hear

12 another situation happen so it had to -- the only way

13 I could think that something could happen is if I

14 called, because nothing else was being done.

15 Q. Gabby, how do you know that nothing else was

16 being done after that October 29th incident?

17 A. Personally, when another resident would fall,

18 okay, the nurse would be right on the phone with their

19 family members saying, "Your father fell," "Your

20 mother fell," "Your mother did this."

21 It happened Wednesday, this is Saturday and her

22 daughter still has not been informed. When it is

23 protocol if something happened to a resident to call

24 their -- what is that called? The legal power of

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PA - 724.746.9844

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1 attorney, which the nurses did when a resident would

2 fall and scrape their knee, but they would not call

3 that day when the situation happened to tell her

4 daughter.

5 If they called that day, if her daughter knew

6 that day, then why wasn't anything done? Come

7 Saturday it's still going on, she is still living

8 there and the daughter didn't know.

9 That's just how I feel. I'm sorry.

10 Q. Let me ask you this: You knew about the

11 situation from Michelle Shonkweller, correct?

12 A. Correct.

13 Q. Although you didn't testify to that back in

14 November of 2008, today is the first time that you

15 have testified that you heard about the situation

16 directly from Michelle Shonkweller; is that correct?

17 A. Yes.

18 Q. Today you're telling us that you have

19 secondhand knowledge of the situation, that it was

20 reported to Deb Petras that oral sex was performed

21 on Robert Degenkolb by Ellen Hughes' mother?

22 A. Yes.

23 Q. When you placed the call to Ellen Hughes,

24 before you asked her on the phone you were not aware

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1 of whether or not Deb Petras or anyone from Wyngate
 2 had contacted Ms. Hughes; is that correct?
 3 **A. To my knowledge, they did not call.**
 4 **Q.** You were not aware if any investigation was
 5 being conducted with respect to the October 29th, 2008
 6 incident; is that correct?
 7 **A. That's correct.**
 8 **Q.** You never asked Deb Petras about the
 9 October 29th, 2008 incident; did you?
 10 **A. No.**
 11 **Q.** You didn't ask Jody Bowden about the
 12 October 29th, 2008 incident?
 13 **A. No.**
 14 **Q.** Did you ask Cece McClory about the
 15 October 29th, 2008 incident?
 16 **A. No, because I did not see her from the time I**
 17 **got terminated.**
 18 **Q.** You didn't ask her about it any time
 19 between October 29th, 2008, and November 1st; is that
 20 correct?
 21 **A. I haven't seen her. No.**
 22 **Q.** But you're telling us today that you did speak
 23 with Michelle Shonkweiler about it?
 24 **A. Yes.**

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1 **Q.** Today is the first time that you have testified
 2 that you were told about it by Michelle Shonkweiler;
 3 correct?
 4 **A. Yes.**
 5 **Q.** You testified on Page 37 of your statement to
 6 Chris Wallace that it has to be your job to report to
 7 resident's family members.
 8 **A. Where was that?**
 9 **Q.** That is on Line 5 on Page 37,
 10 Is that correct?
 11 **A. Yes.**
 12 **Q.** Okay.
 13 I assume you are referencing again the policy
 14 in the Community Guidebook?
 15 **A. Yes.**
 16 **Q.** On Line 6 you say, "Like, if it's specifically
 17 towards you, that's the only time you're allowed to
 18 call them."
 19 What did that mean?
 20 **A. To back it up to Line 3 through Line 7, "Yes.**
 21 **You have to be on duty and you have to use the**
 22 **employee's phone to call the resident's family**
 23 **members, or it has to be your job to do that. Like,**
 24 **if it's specifically towards you, that's the only time**

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1 **you're allowed to call them."**
 2 **Q.** Can you explain what you meant by Lines 6 and
 3 7, "Like, if it's specifically towards you, that's the
 4 only time you're allowed to call them"?
 5 **A. That if it came from one of the bosses, that it**
 6 **is your -- this would be your task, to call the family**
 7 **member daily to let them know how their family member**
 8 **is doing. You would have to be told to do it.**
 9 **Q.** That would be, in essence, part of your job, to
 10 do that if you're told?
 11 **A. Yes.**
 12 **Q.** This wasn't part of your job; correct?
 13 **MR. RECHT:** Objection. Objection to the
 14 form of the question.
 15 **Go ahead and answer.**
 16 **BY MS. ABBOTT:**
 17 **Q.** Was it part of your job to call families of
 18 residents?
 19 **A. What was that?**
 20 **Q.** Was it part of your job to call families of
 21 residents directly?
 22 **A. No.**
 23 **Q.** Okay.
 24 The way you see this policy, when would it be

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1 appropriate for you to call a family resident?
 2 **MR. RECHT:** Objection.
 3 Asked and answered.
 4 **Go ahead.**
 5 **A. I don't know when it would be proper to call.**
 6 **Q.** Did you talk to Ellen Hughes after the initial
 7 phone call you made to her on November 1st?
 8 **A. On my personal phone?**
 9 **Q.** At any time.
 10 **A. We spoke occasionally.**
 11 **Q.** How soon did you talk to her after the initial
 12 phone call that you made on November 1st?
 13 **A. I can't recall.**
 14 **Q.** Was it the same day?
 15 **A. No.**
 16 **Q.** Would it have been the next day?
 17 **A. I can't recall.**
 18 **There was quite a few.**
 19 **Q.** How many phone conversations have you had with
 20 Ellen Hughes?
 21 **A. I haven't talked to Ellen Hughes for over a**
 22 **year, so it has been a while.**
 23 **Q.** How many phone conversations did you have with
 24 her between November 1st and since you last talked

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<p style="text-align: right;">145</p> <p>1 with her?</p> <p>2 A. I can't recall.</p> <p>3 Q. Would it be five?</p> <p>4 A. I can't recall exactly how many times I spoke</p> <p>5 with her.</p> <p>6 Q. What did you speak with her about in those</p> <p>7 subsequent phone calls?</p> <p>8 A. Different situations of what's going on.</p> <p>9 Q. Can you explain that a little bit more for me?</p> <p>10 A. About Wyngate events and her mother, her</p> <p>11 situation.</p> <p>12 Q. What did you talk to her about? Wyngate?</p> <p>13 A. What we have spoken of.</p> <p>14 Q. Did you speak to her about any other incidents</p> <p>15 that occurred at Wyngate?</p> <p>16 A. No.</p> <p>17 Q. What was the purpose of those continuing phone</p> <p>18 calls?</p> <p>19 A. That she kept calling me and I answered the</p> <p>20 phone and spoke with her.</p> <p>21 Q. Ellen called you?</p> <p>22 A. Yes.</p> <p>23 Q. Why did she call?</p> <p>24 A. To speak with me to see if I'm okay, to thank</p> <p style="text-align: center;">JAMIE J. BELFIORE, C.C.R.</p> <p>PA - 724.746.9844 800.914.DEPO (3376)</p>	<p style="text-align: right;">147</p> <p>1 A. I can't recall.</p> <p>2 Q. Did she tell you that she made a report to the</p> <p>3 police?</p> <p>4 A. I can't recall who made the report to the</p> <p>5 police.</p> <p>6 Q. What did she tell you -- I'm sorry. Strike</p> <p>7 that.</p> <p>8 When did she tell you that she got an attorney?</p> <p>9 A. Right after, because I went and spoke to him.</p> <p>10 Q. Right after when? I'm sorry.</p> <p>11 A. My termination.</p> <p>12 Q. She told you that she got an attorney right</p> <p>13 after your termination?</p> <p>14 A. Pretty much.</p> <p>15 I don't know exactly when she got one, but if</p> <p>16 you can read -- I spoke to the attorney, so it was</p> <p>17 pretty much within 10 to 14 days since I got</p> <p>18 terminated.</p> <p>19 Q. Okay.</p> <p>20 She would have told you that she got an</p> <p>21 attorney during one of those conversations after the</p> <p>22 1st of November?</p> <p>23 A. Yes.</p> <p>24 Q. On Page 37 you said that you checked the</p> <p style="text-align: center;">JAMIE J. BELFIORE, C.C.R.</p> <p>PA - 724.746.9844 800.914.DEPO (3376)</p>
<p style="text-align: right;">146</p> <p>1 me.</p> <p>2 Q. She was calling to talk about you?</p> <p>3 A. Me and her mother, yes.</p> <p>4 Q. What was she calling to talk to you about her</p> <p>5 mother after the 1st of November?</p> <p>6 A. The situation of Wyngate that we just spoke</p> <p>7 about.</p> <p>8 Q. What did she want to know?</p> <p>9 A. We were just continually talking about the</p> <p>10 situation that was happening at Wyngate, that she felt</p> <p>11 really bad that everybody thought that she knew and</p> <p>12 she didn't.</p> <p>13 Q. Did you talk to her about any incidents other</p> <p>14 than the Tammy Young Incident that we discussed with</p> <p>15 the pulling down of the pants, the hands down the</p> <p>16 pants incident with the person that you don't recall</p> <p>17 who told you, the incident before where they observed</p> <p>18 Robert's -- I'm sorry, Eula's hands down Robert's</p> <p>19 pants and the incident of October 29th, 2008?</p> <p>20 A. No.</p> <p>21 Q. When did Ellen Hughes tell you that she got a</p> <p>22 detective?</p> <p>23 A. I can't recall exactly.</p> <p>24 Q. Did she tell you why she got a detective?</p> <p style="text-align: center;">JAMIE J. BELFIORE, C.C.R.</p> <p>PA - 724.746.9844 800.914.DEPO (3376)</p>	<p style="text-align: right;">148</p> <p>1 employee handbook before you made the call to Ellen.</p> <p>2 I just want to confirm that you're referencing again</p> <p>3 the Community Guidebook.</p> <p>4 Is that correct?</p> <p>5 A. Yes.</p> <p>6 Q. When you left a message for Ellen, did you ask</p> <p>7 her to call back and speak with a nurse or an</p> <p>8 administrator or someone in management?</p> <p>9 A. No.</p> <p>10 Q. Why not?</p> <p>11 A. Because I wanted to speak with her.</p> <p>12 Q. Did you think that you were more qualified to</p> <p>13 discuss these issues with Ellen than a nurse or</p> <p>14 administrator?</p> <p>15 A. No, but I believe that I was going to tell her</p> <p>16 what was going on.</p> <p>17 Q. How exactly did you follow the chain of command</p> <p>18 before you contacted Ellen Hughes directly?</p> <p>19 A. Personally? Follow the chain of command</p> <p>20 myself?</p> <p>21 Q. Yes.</p> <p>22 A. Well, I spoke to Tammy. I spoke to Jody. And</p> <p>23 I can't say 100 percent that anybody spoke to Debbie,</p> <p>24 but it was known that she knew, too. Still it's not</p> <p style="text-align: center;">JAMIE J. BELFIORE, C.C.R.</p> <p>PA - 724.746.9844 800.914.DEPO (3376)</p>

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1 personal, but there was a lot of people that called
2 corporate so I know the chain of command was went
3 through.

Q. My question, though, is: How did you follow
the chain of command with respect to the October 29th,
2008 Incident?

A. I told Tammy and I told Jody.

Q. I assume when you say you told Tammy, you're
referring to telling Tammy back when Tammy was still
employed there about the hands-down-the-pants
Incident?

A. Yes.

Q. With Jody, the conversation with Jody was when
Jody first started working at Wyngate you discussed
the Eula Stoll Incident broadly; is that correct?

A. We were just speaking of the situation that was
going on and trying to talk to her about if her
daughter truly knew or not. I mean, I went to two
head nurses.

Q. You didn't go to any head nurses or any nurses
with respect to the October 29th, 2008 Incident; is
that correct?

A. No, because nurses spoke to me about it.

Q. Which nurses spoke to you about it?

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A. Well, Kathy Estep and Erin Murphy -- sorry.
She was an AMAP.

Q. What did Kathy Estep tell you?

A. As we spoke earlier, we all was talking in one
conversation.

Q. Did you tell Kathy Estep or any other nurse or
administrator that you were concerned that nothing was
being done about the October 29th, 2008 Incident?

A. Yes.

Q. Who did you tell that to?

A. We was speaking and everybody was concerned
that nothing was done.

Q. Which nurse did you report that to?

A. Kathy.

Q. When did you report this to Kathy?

A. When we were talking on Saturday that everybody
had concerns, I had concerns, Kathy had concerns,
Latoya had concerns, Heather had concerns, everybody
had concerns that it was already Saturday and nothing
had been done about it.

Q. Are you aware of anyone that called the
corporate hotline called Adult Protective Services,
called the OHFLAC abuse lines that we referenced
earlier or any other outside agency to report any of

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PA - 724.746.9844

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1 this conduct between October 29th and the time of your
2 termination?

A. I don't know exactly who they called, but I
know Nancy, she called corporate to speak to them.

Now, Heather told me she called, but I don't
know if that was before or after the 29th.

Q. Just to be clear, you didn't call any of those
numbers?

A. No.

Q. Did you tell anyone about your phone call to
Ellen Hughes?

A. At work?

Q. Yes.

A. Yes.

Q. Who did you tell?

A. Everybody that was working. They knew I
called, because she called back and Kathy gave me the
phone.

Q. When you say "everybody that was working," can
you identify who those people were?

A. There was Latoya, there was Heather, there was
Kathy, Erin was there.

I can't recall the other aide that was there.

Q. How long after the phone call before you heard

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1 from Jody at Wyngate?

A. Jody walked in while I was on the phone.

Q. Was Jody aware that you were calling

Ellen Hughes?

A. No.

Q. Jody was physically near you when you called
Ellen?

A. She walked in and went to her office when I was
on the phone with the nurse -- at the nurses' station.

Q. Why didn't you report your concerns directly to
Jody?

A. For one, I didn't know if she was going to be
there. For two, I was already on the phone speaking
to Ellen about the situation.

Q. Why didn't you report your concerns to Jody at
that point?

A. I'm not sure.

Q. You received a call from Jody, then, after you
went home from your shift?

A. Yes.

Q. You didn't talk to Jody again after you hung up
the phone with Ellen before she called you again that
evening?

A. Yes.

JAMIE J. BELFIORE, C.C.R.

PA - 724.746.9844

800.914.DEPO (3376)

WEIRTON HEALTH PARTNERS V. YATES-Deposition of GABRIELLE J. YATES-12/8/09

<p style="text-align: right;">153</p> <p>1 Q. What did Jody say to you?</p> <p>2 A. Jody called and told me, "Do you know why I'm</p> <p>3 calling?"</p> <p style="padding-left: 40px;">I was like "Yes."</p> <p>5 She was like, "So you know that I've got to</p> <p>6 terminate you?"</p> <p>7 I said, "Yes."</p> <p>8 She's like, "Do you know why?"</p> <p>9 I was like, "Why?"</p> <p>10 She was like, "The reason why I'm terminating</p> <p>11 you is because you didn't follow the chain of</p> <p>12 command."</p> <p>13 It just started going from there pretty much</p> <p>14 everything I just told you I talked to Jody over the</p> <p>15 phone about. And Jody was telling me how much she</p> <p>16 enjoys me working there, how much she likes that I'm</p> <p>17 working there, that "Let me call and talk to Debbie</p> <p>18 and see if we can figure something out and I'll call</p> <p>19 you back."</p> <p>20 She never called back.</p> <p>21 Q. You didn't hear back from Jody again?</p> <p>22 A. No.</p> <p>23 Q. On Page 29 of your statement, you testified to</p> <p>24 Mr. Wallace that you told Jody, "All the aides know,</p> <p style="text-align: center;">JAMIE J. BELFIORE, C.C.R.</p> <p>PA - 724.746.9844 800.914.DEPO (3376)</p>	<p style="text-align: right;">155</p> <p>1 this is Line 23 on Page 29, "you know the situation,</p> <p>2 too, Jody."</p> <p>3 How did you know that Jody knew?</p> <p>4 A. Because I spoke with her.</p> <p>5 Q. Did you ever tell Mr. Wallace during this</p> <p>6 statement that you spoke with Jody Bowden with respect</p> <p>7 to these issues between Eula Stoll and</p> <p>8 Robert Degenkolb?</p> <p>9 A. I don't recall. I don't know. I don't know.</p> <p>10 Q. Did you ever witness anyone reporting anything</p> <p>11 to Jody?</p> <p>12 A. No. Except for when me and Candace spoke to</p> <p>13 her.</p> <p>14 Q. On Pages 29 and 30 you testify that "my bosses</p> <p>15 tell me to turn my head."</p> <p>16 Which bosses told you to turn your head?</p> <p>17 A. What was that? 29?</p> <p>18 Q. Yes. Page 29, and it leads over to 30.</p> <p>19 A. Because when I heard about when Debbie said to</p> <p>20 shut the door and walk away, that pretty much is</p> <p>21 saying turn your head and walk away and come back</p> <p>22 later, and it proceeds, and my job is not to turn my</p> <p>23 head.</p> <p>24 Q. Did Debbie tell you to turn your head?</p> <p style="text-align: center;">JAMIE J. BELFIORE, C.C.R.</p> <p>PA - 724.746.9844 800.914.DEPO (3376)</p>
<p style="text-align: right;">154</p> <p>1 all the AMAPs know, all the nurses know," all the</p> <p>2 kitchen staff knows, housekeeping knows and people</p> <p>3 have called corporate.</p> <p>4 How do you know that the kitchen staff knew?</p> <p>5 A. Because we spoke about it, too.</p> <p>6 Q. How did you know that the housekeeping staff</p> <p>7 knew?</p> <p>8 A. We spoke about it, too.</p> <p>9 Q. When you say "knew," what do you mean by that?</p> <p>10 A. Knew of the situation that was going on.</p> <p>11 Q. On October 29th, 2008?</p> <p>12 A. Of all the situations.</p> <p>13 They knew that something was going on and</p> <p>14 nothing was done about it.</p> <p>15 Q. In this section you talk about people who have</p> <p>16 called corporate.</p> <p>17 Is there anyone in particular that you were</p> <p>18 referring to in this section?</p> <p>19 A. Not particularly.</p> <p>20 I gave you the names earlier of who called.</p> <p>21 Q. Okay.</p> <p style="padding-left: 40px;">No additional people?</p> <p>23 A. No.</p> <p>24 Q. You testified next "And as far as I know" --</p> <p style="text-align: center;">JAMIE J. BELFIORE, C.C.R.</p> <p>PA - 724.746.9844 800.914.DEPO (3376)</p>	<p style="text-align: right;">156</p> <p>1 A. No.</p> <p>2 Q. Were there any other bosses that told you to</p> <p>3 turn your head?</p> <p>4 A. No.</p> <p>5 Q. No bosses told you this directly?</p> <p>6 A. No.</p> <p>7 Q. You testified during your statement to</p> <p>8 Mr. Wallace that, "This is my job to take care of</p> <p>9 these residents" -- I'm sorry.</p> <p>10 Do you recall testifying to that?</p> <p>11 A. To what?</p> <p>12 Q. "This is my job to take care of these</p> <p>13 residents."</p> <p>14 A. Yes.</p> <p>15 Q. Tell me what in your job duties or in any</p> <p>16 instruction that you received made you believe that</p> <p>17 you were the appropriate person to contact the family</p> <p>18 instead of an outside agency or administration at</p> <p>19 Wyngate.</p> <p>20 MR. RECHT: Objection to the form of the</p> <p>21 question.</p> <p>22 BY MS. ABBOTT:</p> <p>23 Q. Would you like me to rephrase it?</p> <p>24 A. Please.</p> <p style="text-align: center;">JAMIE J. BELFIORE, C.C.R.</p> <p>PA - 724.746.9844 800.914.DEPO (3376)</p>